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FACSIMILE TRANSMISSION COVER SHEET

DATE: March 8, 2004 **OUR REF:** KNI-163-A **YOUR REF.** USSN 10/069,702

TO (COMPANY) : US Patent & Trademark Office, Art Unit 1772

ATTN: Michael C. Miggins

FROM : Joseph P. Carrier

FAX NO. CALLED: (703) 872-9306 **NO. OF PAGES (Including this page)** 5

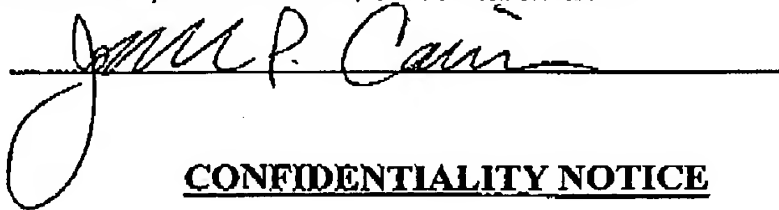
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MESSAGE: Please promptly deliver the attached document (Response to Restriction Requirement) to the Examiner.

Certificate of Transmission

I hereby certify that this cover sheet and the enclosed document is/are being sent via facsimile transmission to the US Patent & Trademark Office, Art Unit 1772, on 08 March 2004.



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OFFICIAL

KNI-163-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matsumoto et al.
Serial Number: 10/069,702
Filed: 04 June 2002
Group Art Unit: 1772
Examiner: Michael C. Miggins
Title: WET-TYPE COMPACTING METHOD FOR POWDER,
PRODUCTION METHOD FOR SINTERED POWDER
COMPACT, SINTERED POWDER COMPACT, AND
APPARATUS FOR USING SINTERED POWDER COMPACT

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendments
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Office Action (Restriction Requirement) dated 09 February 2004, applicant hereby provisionally elects with traverse the invention Group I as defined by the Examiner, including claims 1-13, 18-21 and 43 drawn to a wet-type compacting method for powder, and also applicant presents the following amendments.

REMARKS

The Restriction

In the Office Action, the Examiner has imposed a restriction requirement under 35 USC 121 and 372, it being the Examiner's position that the present International Application is not

directed to a single invention, but to a group of inventions that do not form a single inventive concept under PCT Rule 13.1. Therefore, the Examiner requires applicant to elect for prosecution in the present application a single invention, under 37 CFR 1.499, out of the seven allegedly patentably distinct inventions identified by the Examiner:

Group I, encompassing claims 1-13, 18-21 and 43 (drawn to a wet-type compacting method);

Group II, encompassing claims 14-16 and 41-42 (drawn to a mixture);

Group III, encompassing claim 17 (drawn to a compact);

Group IV, encompassing claims 33-38 (drawn to a protective member);

Group V, encompassing claim 32 (drawn to a hydrostatic fluid bearing device);

Group VI, encompassing claims 22-31 (drawn to a mobile device); and

Group VII, encompassing claims 39 and 44 (drawn to a device equipped with a protective member).

Additionally, as justification for the restriction the Examiner asserts that all claims of Groups I and II are anticipated by Nover (US Patent 5,530,081), whereas each of the other Groups presents a special technical feature not present in any of the other Groups.

Upon careful consideration applicant respectfully traverses the restriction requirement based on the following.

Initially, applicant respectfully submits that while various claims may be directed to specific applications/uses of the invention, all of the claims are nonetheless directed toward the same general inventive concept, i.e., provision of a wet-type compacting method which overcomes the several problems and disadvantages of the conventional methods as discussed in the background of the present application, and which results in compacts that can be used as high technology mobile body devices, protective members, etc. having superior qualities.

In this regard, the very related nature of the several claims is strongly reflected by the overlapping and identical nature of the limitations used in the claims, e.g., the method of Group I uses the mixture of Group II, the compact of Group III is the product of the method of Group I;

the protective member of Group IV is also the product of the method of Group I; etc. Further, given the completely overlapping nature of Groups I and III as method of producing compact and compact produced, applicant respectfully submits that these Groups have unity under the PCT rules.

Still further, applicant respectfully submits that given the general inventive concept common to all of the Groups, as well as the overlapping nature of all the claims, the Examiner could concurrently examine all claims in the application or at least the claims of multiple overlapping Groups (e.g., Groups I-IV) "without serious burden" and should do so pursuant to MPEP '803. For example, the Examiner already indicates his preliminary determination that the claims of Groups I and II are anticipated by US Patent 5,530,081 to Nover, such that there would be no serious burden to examiner these Groups together.

Based on the foregoing, it is respectfully requested that the restriction requirement be reconsidered and withdrawn.

Although applicant traverses the restriction, applicant again hereby provisionally elects (pursuant to the requirement of 37 CFR 1.143) Invention Group I as defined by the Examiner, drawn to method claims 1-13, 18-21 and 43.

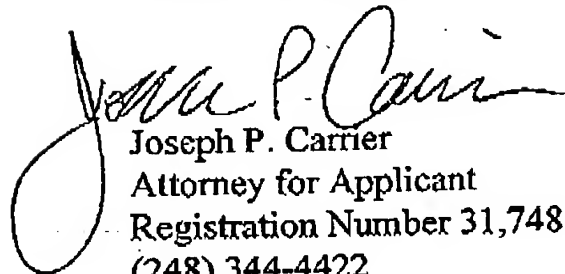
Comments Regarding US Patent 5,530,081 to Nover

Applicant has considered the Examiner's comment regarding anticipation of the claims of Groups I and II by the Nover patent, and with regard thereto applicant respectfully submits that the method disclosed by Nover is very distinct from the claimed invention of Groups I and II because Nover's compacting system is an organic solvent system. Particularly, Nover uses a mixture of silicon carbide powder, polycarbosilane and organic solvent, wherein the polycarbosilane is soluble in the organic solvent. On the other hand, the presently claimed invention (e.g., claim 1) involves two steps: firstly coating high polymer organic substance on the surface of a carbide powder, and then compacting the powder. If the coating system according to the invention is an organic solvent system, the compacting system is a water system (according to claim 1, "high polymer organic substance is substantially insoluble in the solvent").

Favorable reconsideration is respectfully requested.

Respectfully submitted,

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Dated: March 8, 2004


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted via facsimile transmission to the US Patent & Trademark Office, Art Unit 1772, at (703) 872-9306 on March 8, 2004.

JPC/ms

